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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/974,804

10/12/2001

Kouji Seino

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05/24/2006

STAAS & HALSEY LLP

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EXAMINER

LAstra, DANIEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,804

Applicant(s)

SEINO, KOUJI

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44, 46-50, 52-57, 59-64, 66-72, 74-79 and 81-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44, 46-50, 52-57, 59-64, 66-72, 74-79, 81-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 44, 46-50, 52-57, 59-64, 66-72, 74-79, 81-92 have been examined. Application 09/974,804 (METHOD OF AND APPARATUS FOR DISTRIBUTING INFORMATION, AND COMPUTER PRODUCT) has a filing date 10/12/2001 and foreign data 06/28/2001.

Response to Amendment

2. In response to Final Rejection filed 12/15/2005, the Applicant filed an RCE on 03/15/2006, which amended claims 44, 46-50, 52-57, 59-64, 66-72, 74-79, 81-86, cancel claims 45, 51, 58, 65, 73, 80 and added new claims 87-92. Applicant's amendment overcame the previous Section 112 rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 59 is ejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 59 recites "compiled at the compiling". For purpose of art rejection, said limitation is interpreted as "displaying".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 44, 46-50, 52-57, 59-64, 66-72, 74-79, 81-92 are rejected under 35 U.S.C. 102(b) as being anticipated by Reilly (US 5,740,549).

As per claims 44, 57 and 72, Reilly teaches:

An apparatus for providing an electronic article stored in an article database to a client computer connected to the apparatus via a network, the apparatus comprising:

a transmitting unit that transmits a summary of a plurality of electronic articles stored in the article database to the client computer (see column 2, lines 42-60);

a receiving unit that receives a specification from the client computer in response to the summary, the specification specifying which electronic article is selected by a *user of the client computer* (column 3, lines 15-25; column 4, lines 50-60);

an extracting unit that extracts a plurality of electronic articles from the article database based on the specification (see column 3, lines 15-25);

an advertisement extracting unit that extracts an advertisement from an advertisement database based on the electronic articles extracted by the extracting unit (see column 2, lines 42-47; column 9, lines 35-60);

a creating unit that creates a homepage based on the electronic articles extracted by the extracting unit and the advertisement extracted by the advertisement extracting unit; and an uploading unit that uploads the homepage created by the creating unit to a predetermined website (see column 1, lines 45-65; column 2, lines 17-60).

As per claims 46, 60 and 75, Reilly teaches:

The apparatus according to claim 44, further comprising:

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a number-of-times calculating unit that calculates a first number of times an advertisement is extracted from the advertisement database by the advertisement extracting unit, or a second number of times an advertisement is *used for creating the homepage* by the *creating* unit (see column 5, line 60 – column 6, line 10); and

Reilly does not expressly teach an accounting-fee calculating unit that calculates accounting fee incurred by an advertiser of an advertisement based on any one of the first number of times and the second number of times that correspond to the advertisement and are calculated by the number-of-times calculating unit. However, it is inherent that Reilly would use the advertising display statistic for purpose of calculating advertisers' fee calculation (see column 5, lines 53-60).

As per claims 47, 61 and 76, Reilly teaches:

The apparatus according to claim 44, further comprising a website notifying unit that notifies the website to which the *homepage* is uploaded by the uploading unit to the client computer (see column 5, lines 35-45).

As per claims 48, 62 and 77, Reilly teaches:

The apparatus according to claim 44, wherein the *creating* unit *recreates the homepage* when any one of the electronic articles *extracted by the extracting unit* and the advertisement *extracted by the advertisement extracting unit* is updated (see column 5, lines 35-60).

As per claims 49, 63 and 78, Reilly teaches:

The apparatus according to claim 48, further comprising a *recreation* notifying unit that notifies the client computer that a *recreation of the homepage* has been performed (see column 13, line 60 – column 14, line 6).

As per claims 50, 64 and 79, Reilly teaches:

An apparatus for providing an electronic article stored in an article database to a client computer connected to the apparatus via a network, the apparatus comprising:

a transmitting unit that transmits a summary of a plurality of electronic articles stored in the article database to the client computer (see column 9, lines 35-60);

a first receiving unit that receives a first specification from the client computer in response to the summary, the first specification specifying which electronic article is selected by a *user of* the client computer (see column 9, lines 35-60);

a first extracting unit that extracts a plurality of electronic articles from the article database based on the first specification (see column 9, lines 35-60);

a *first advertisement extracting unit that extracts an advertisement from an advertisement database based on the electronic articles extracted by the first extracting unit* (see column 2, lines 42-47);

a *preparing* unit that *prepares an electronic mail based on* the electronic articles extracted by the first extracting unit *and the advertisement extracted by the first advertisement extracting unit* (see column 2, lines 42-47);

a second receiving unit that receives a second specification from the client computer in response to the electronic *mail prepared by the preparing* unit, the second

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specification specifying which electronic article is selected by the *user of the* client computer (see column 9, lines 45-60; column 16, lines 55-60);

a second extracting unit that extracts a plurality of electronic articles from the article database based on the second specification (see column 9, lines 45-60);

a second advertisement extracting unit that extracts an advertisement from the advertisement database based on the electronic articles extracted by the second extracting unit (see column 9, lines 45-60);

a *creating* unit that *creates a homepage based on* the electronic articles extracted by the second extracting unit *and the advertisement extracted by the second advertisement extracting unit* (see column 2, lines 40-60); and

an uploading unit that uploads the *homepage created by the creating unit* to a predetermined website (see column 1, lines 45-65; column 2, lines 40-60).

As per claims 52, 67 and 82, Reilly teaches:

The apparatus according to claim 50, further comprising:

a number-of-times calculating unit that calculates a first number of times an advertisement is extracted from the advertisement database by *any one of the first advertisement extracting unit and the second advertisement extracting unit*, or a second number of times an advertisement is *used for any one of preparing the electronic mail by the preparing unit and creating the homepage by the creating unit* (see column 5, line 60 – column 6, line 10); and

Reilly does not expressly teach an accounting-fee calculating unit that calculates accounting fee incurred by an advertiser of an advertisement based on any one of the

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first number of times and the second number of times that correspond to the advertisement and are calculated by the number-of-times calculating unit. However, is inherent that Reilly would use the advertising display statistics (see column 5, lines 60-67) for the purpose of calculating a advertising fee.

As per claims 53, 68 and 83, Reilly teaches:

The apparatus according to claim 50, further comprising a website notifying unit that notifies the website to which *homepage* is uploaded by the uploading unit to the client computer (see column 13, line 60 – column 14, line 7).

As per claims 54, 69 and 84, Reilly teaches:

The apparatus according to claim 50, wherein *the creating unit recreates the homepage* when any one of the electronic articles *extracted by the second extracting unit* and the advertisement *extracted by the second advertisement extracting unit* is updated (see column 5, lines 35-60).

As per claims 55, 70 and 85, Reilly teaches:

The apparatus according to claim 54, further comprising a *recreation* notifying unit that notifies the client computer that a *recreation of the homepage* has been performed (see column 5, lines 35-60).

As per claims 56, 71 and 86, Reilly teaches:

An apparatus for providing an electronic article stored in an article database to a client computer connected to the apparatus via a network, the apparatus comprising:

a transmitting unit that transmits a summary of a plurality of electronic articles stored in the article database to the client computer (see column 2, lines 40-60),

a receiving unit that receives a specification from the client computer in response to the summary, the specification specifying which electronic article is selected by a *user of* the client computer; an extracting unit that extracts a plurality of electronic articles from the article database based on the specification (see column 9, lines 45-60);

a preparing unit that prepares an electronic mail based on the electronic articles extracted by the extracting unit (see column 2, lines 42-55; column 16, lines 55-60); and a transmitting unit that transmits the electronic *mail prepared by the preparing unit* to the client computer (see column 16, lines 55-60; column 9, lines 45-60).

As per claims 59 and 74, Reilly teaches:

The method according to claim 57, further comprising re-extracting another advertisement from the advertisement database when a display order of the electronic articles compiled at the compiling is changed at the client computer (see column 4, line 50 – column 5, line 7).

As per claims 66 and 81, Reilly teaches:

The method according to claim 64, further comprising re-extracting another advertisement from the advertisement database when a display order of the electronic articles is changed at the client computer (see column 13, line 60 – column 14, line 6).

As per claims 87, 89 and 91, Reilly teaches:

The apparatus according to claim 44, wherein a detailed level of the summary is determined by the user in advance (see column 9, lines 35-60).

As per claims 88, 90 and 92, Reilly teaches:

The apparatus according to claim 44, wherein the specification further specifies whether a homepage is to be created or a electronic mail is to be prepared, and the creating unit creates the homepage when the specification specifies that a homepage is to be created (see column 9, lines 35-60).

Response to Arguments

6. Applicant's arguments with respect to claims 44, 46-50, 52-57, 59-64, 66-72, 74-79, 81-92 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL
Daniel Lastra
May 18, 2006


RAQUEL ALVAREZ
PRIMARY EXAMINER